

States Code, as added by subsection (a)(1), shall apply with respect to the assignment or designation of the name of a facility, structure, or real property of the Department of Veterans Affairs (or of a major portion thereof) after the date of the enactment of this Act [Nov. 11, 1998].”

§ 532. Authority to advertise in national media; VetStar Award Program

(a) ADVERTISING IN NATIONAL MEDIA.—The Secretary may purchase advertising in national media outlets for the purpose of promoting awareness of benefits under laws administered by the Secretary, including promoting awareness of assistance provided by the Secretary, including assistance for programs to assist homeless veterans, to promote veteran-owned small businesses, and to provide opportunities for employment in the Department of Veterans Affairs and for education, training, compensation, pension, vocational rehabilitation, and healthcare benefits, and mental healthcare (including the prevention of suicide among veterans).

(b) VETSTAR AWARD PROGRAM.—(1) The Secretary shall establish an award program, to be known as the “VetStar Award Program”, to recognize annually businesses for their contributions to veterans’ employment.

(2) The Secretary shall establish a process for the administration of the award program, including criteria for—

(A) categories and sectors of businesses eligible for recognition each year; and

(B) objective measures to be used in selecting businesses to receive the award.

(Added Pub. L. 110–389, title VIII, § 809(a), Oct. 10, 2008, 122 Stat. 4189; amended Pub. L. 112–154, title VII, § 709(a), (b)(1), Aug. 6, 2012, 126 Stat. 1207.)

Editorial Notes

AMENDMENTS

2012—Pub. L. 112–154 inserted “; VetStar Award Program” after “national media” in section catchline, designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

§ 533. Anti-harassment and anti-sexual assault policy

(a) ESTABLISHMENT.—(1) The Secretary, acting through the Office of Assault and Prevention of the Veterans Health Administration, shall establish a comprehensive policy to end harassment and sexual assault, including sexual harassment and gender-based harassment, throughout the Department.

(2) The policy required by paragraph (1) shall include the following:

(A) A process for employees and contractors of the Department to respond to reported incidents of harassment and sexual assault committed by any non-Department individual within a facility of the Department, including with respect to accountability or disciplinary measures.

(B) A process for employees and contractors of the Department to respond to reported incidents of harassment and sexual assault of any non-Department individual within a facility of the Department.

(C) A process for any non-Department individual to report harassment and sexual assault

described in subparagraph (A), including an option for confidential reporting, and for the Secretary to respond to and address such reports.

(D) Clear mechanisms for non-Department individuals to readily identify to whom and how to report incidents of harassment and sexual assault committed by another non-Department individual.

(E) Clear mechanisms for employees and contractors of the Department to readily identify to whom and how to report incidents of harassment and sexual assault and how to refer non-Department individuals with respect to reporting an incident of harassment or sexual assault.

(F) A process for, and mandatory reporting requirement applicable to, any employee or contractor of the Department who witnesses harassment or sexual assault described in subparagraph (A) or (B) within a facility of the Department, regardless of whether the individual affected by such harassment or sexual assault wants to report such harassment or sexual assault.

(G) The actions possible, including disciplinary actions, for employees or contractors of the Department who fail to report incidents of harassment and sexual assault described in subparagraph (A) or (B) that the employees or contractors witness.

(H) On an annual or more frequent basis, mandatory training for employees and contractors of the Department regarding how to report and address harassment and sexual assault described in subparagraphs (A) and (B), including bystander intervention training.

(I) On an annual or more frequent basis, the distribution of the policy under this subsection and anti-harassment and anti-sexual assault educational materials by mail or email to each individual receiving a benefit under a law administered by the Secretary.

(J) The prominent display of anti-harassment and anti-sexual assault messages in each facility of the Department, including how non-Department individuals may report harassment and sexual assault described in subparagraphs (A) and (B) at such facility and the points of contact under subsection (b).

(K) The posting on internet websites of the Department, including the main internet website regarding benefits of the Department and the main internet website regarding health care of the Department, of anti-harassment and anti-sexual assault banners specifically addressing harassment and sexual assault described in subparagraphs (A) and (B).

(b) POINTS OF CONTACT.—The Secretary shall designate, as a point of contact to receive reports of harassment and sexual assault described in subparagraphs (A) and (B) of subsection (a)(2)—

(1) at least one individual, in addition to law enforcement, at each facility of the Department (including Vet Centers under section 1712A of this title), with regard to that facility;

(2) at least one individual employed in each Veterans Integrated Service Network, with regard to facilities in that Veterans Integrated Service Network;

(3) at least one individual employed in each regional benefits office;

(4) at least one individual employed at each location of the National Cemetery Administration; and

(5) at least one individual employed at the Central Office of the Department to track reports of such harassment and sexual assault across the Department, disaggregated by facility.

(c) **ACCOUNTABILITY.**—(1) The Secretary shall establish a policy to ensure that each facility of the Department and each director of a Veterans Integrated Service Network is responsible for addressing harassment and sexual assault at the facility and the Network.

(2) The policy required by paragraph (1) shall include—

(A) a remediation plan for facilities that experience five or more incidents of sexual harassment, sexual assault, or combination thereof, during any single fiscal year; and

(B) taking appropriate actions under chapter 7 or subchapter V of chapter 74 of this title.

(d) **DATA.**—The Secretary shall ensure that the in-take process for veterans at medical facilities of the Department includes a survey to collect the following information:

(1) Whether the veteran feels safe at the facility and whether any events occurred at the facility that affect such feeling.

(2) Whether the veteran wants to be contacted later by the Department with respect to such safety issues.

(e) **WORKING GROUP.**—(1) The Secretary shall establish a working group to assist the Secretary in implementing policies to carry out this section.

(2) The working group established under paragraph (1) shall consist of representatives from—

(A) veterans service organizations;

(B) State, local, and Tribal veterans agencies; and

(C) other persons the Secretary determines appropriate.

(3) The working group established under paragraph (1) shall develop, and the Secretary shall carry out—

(A) an action plan for addressing changes at the local level to reduce instances of harassment and sexual assault;

(B) standardized media for veterans service organizations and other persons to use in print and on the internet with respect to reducing harassment and sexual assault; and

(C) bystander intervention training for veterans.

(4) The working group established under paragraph (1) shall not be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).¹

(f) **ANNUAL REPORTS.**—(1) The Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives an annual report on harassment and sexual assault described in subparagraphs (A) and (B) of subsection (a)(2) in facilities of the Department.

(2) Each report submitted under paragraph (1) shall include the following:

(A) Results of harassment and sexual assault programming, including the End Harassment program.

(B) Results of studies from the Women's Health Practice-Based Research Network of the Department relating to harassment and sexual assault.

(C) Data collected on incidents of sexual harassment and sexual assault.

(D) A description of any actions taken by the Secretary during the year preceding the date of the report to stop harassment and sexual assault at facilities of the Department.

(E) An assessment of the implementation of the training required in subsection (a)(2)(H).

(F) A list of resources the Secretary determines necessary to prevent harassment and sexual assault at facilities of the Department.

(g) **DEFINITIONS.**—In this section:

(1) The term “non-Department individual” means any individual present at a facility of the Department who is not an employee or contractor of the Department.

(2) The term “sexual harassment” means unsolicited verbal or physical contact of a sexual nature which is threatening in character.

(Added Pub. L. 116-315, title V, §5303(a), Jan. 5, 2021, 134 Stat. 5038.)

Editorial Notes

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (e)(4), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 10 (§1001 et seq.) of Title 5 by Pub. L. 117-286, §§3(a), 7, Dec. 27, 2022, 136 Stat. 4197, 4361. For disposition of sections of the Act into chapter 10 of Title 5, see Disposition Table preceding section 101 of Title 5.

Statutory Notes and Related Subsidiaries

DEADLINE

Pub. L. 116-315, title V, §5303(d), Jan. 5, 2021, 134 Stat. 5041, provided that: “The Secretary shall commence carrying out section 533 of such title [title 38], as added by subsection (a), not later than 180 days after the date of enactment of this Act [Jan. 5, 2021].”

SUBCHAPTER III—ADVISORY COMMITTEES

§541. Advisory Committee on Former Prisoners of War

(a)(1) The Secretary shall establish an advisory committee to be known as the Advisory Committee on Former Prisoners of War (hereinafter in this section referred to as the “Committee”).

(2)(A) The members of the Committee shall be appointed by the Secretary from the general public and shall include—

(i) appropriate representatives of veterans who are former prisoners of war;

(ii) individuals who are recognized authorities in fields pertinent to disabilities prevalent among former prisoners of war, including authorities in epidemiology, mental health, nutrition, geriatrics, and internal medicine; and

¹ See References in Text note below.